

FEB 23 2006

MARY L.M. MORAN
CLERK OF COURT

MAX S. MENDIOLA, *pro se*
Federal Detention Center
PO Box 3236
Hagåtña, Guam 96932

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF GUAM

UNITED STATES OF AMERICA,

CR-04-00056

Plaintiff,

-vs-

MAX S. MENDIOLA,

DECLARATION UNDER PENALTY OF
PERJURY IN SUPPORT OF MOTION FOR
LEAVE TO PROCEED *IN FORMA*
PAUPERIS

Defendant.

I declare under penalty of perjury that because of my indigency I cannot pay the docket fees of my appeal or post a bond for them. I believe that I am entitled to redress. I declare under penalty of perjury under the laws of the United States that my answers hereafter are true and correct. Executed at Hagåtña, Guam, February 23, 2006.


MAX S. MENDIOLA, *pro se*

Issue on Appeal: I believe that my sentence was incorrectly calculated both with respect to the calculations under the Guidelines of the United States Sentencing Commission and as to the Court's determination of what constituted relevant conduct that could be considered in imposing the sentence.

1. I am not married. I have been incarcerated since December 14, 2004, and during that time I have had no income from any source. I have not received any disability, social security, pension, annuity, insurance, unemployment or public assistant of any kind.
2. My employers prior to my incarceration were:

Employer	Address	Employment Dates	Gross Monthly Pay
Black Construction	Tamuing, Guam	May 04-Nov 04	\$1,820.00
Casamar Guam, Inc.	Port Authority Guam	Jul 03-Nov 04	\$1,200.00
[Casamar employment part-time while working for Black Construction fulltime.]			
Pacific Trucking	Tiyan, Guam	Oct 03-May 04	\$1,900.00

ORIGINAL

Guam Steel Dededo, Guam 1991-1997 \$2,080.00

3. List spouse's employment: Not married.
4. How much cash do you have: None.
5. State any money you have in bank: None.
6. List assets and value: None.
7. List motor vehicles you own: None.
8. State every person owing you money: None.
9. State the persons who rely on you for support: None.
10. Estimate average monthly expenses: None, due to being incarcerated since 2004.
11. Do you expect change in income or expenses in next 12 months: No.
12. Have you paid an attorney for services? Yes.
13. Amount paid to Lujan Aguigui & Perez LLP: \$3,000.00 (Gift from Virginia Espino).
14. Have you paid for preparation of this form? No (Courtesy of Lujan firm).
15. State legal residence: Last non-institutional residence: Apt. 120, Harmon Villa Apts.
16. Phone: None.
17. Age: 56.
18. Years of schooling: 11, in Philippines.
19. Social Security Number: 586-80-4610.

Proof of Service

I certify that on February 23, 2006, I caused a copy of the foregoing Declaration Under
Penalty of Perjury to be served upon:

Leonardo M. Rapadas, Esq.
United States Attorney
108 Hernan Cortes Avenue, Suite 500
Hagåtña, Guam 96910
Telephone (671) 472-7332
Facsimile (671) 472-7215

Service was accomplished by delivery of a copy of the form by messenger to the above-
named person at the above named address. Executed this 23rd day of February 2006.


Max S. Mendiola